

Approved:

Courtney Laura Heavey  
COURTNEY LAURA HEAVEY  
Assistant United States Attorney

Before: HONORABLE JUDITH C. MCCARTHY  
United States Magistrate Judge  
Southern District of New York

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
:  
UNITED STATES OF AMERICA :  
:  
-v.- : 19 Mag. 7140  
: RULE 5(c)(3) AFFIDAVIT  
:  
SAMUEL MUNIZ, :  
:  
Defendant. :  
:  
-----X

SOUTHERN DISTRICT OF NEW YORK, ss:

IVAN SANTOS, being duly sworn, deposes and says that he is a Deputy Marshal with the United States Marshals Service ("USMS"), and charges as follows:

On or about May 1, 2019, the United States District Court for the Eastern District of North Carolina issued a warrant for the arrest of "Samuel A. Muniz" (the "Warrant"). The Warrant was based upon an Order of the Court, which was issued for "Samuel A. Muniz's" failure to appear for a mandatory initial appearance in the case United States of America v. Samuel A. Muniz, 19 MJ 1491. The pending criminal case against "Samuel A. Muniz" in the Eastern District of North Carolina charges him with driving under the influence on a military reservation, in violation of 18 U.S.C. § 13, assimilating North Carolina General Statute § 20-138.1; as well as transporting an open container of an alcoholic beverage, in violation of 18 U.S.C. § 13, assimilating North Carolina General Statute § 20-138.1. Copies of the Warrant and the Criminal Information are attached.

I believe that SAMUEL A. MUNIZ, the defendant, who was arrested on July 30, 2019, in the Southern District of New York, is the same individual as the "Samuel A. Muniz" who is wanted in the Eastern District of North Carolina.

The bases for my knowledge and for the foregoing charges are, in part, as follows:

1. I am a Deputy United States Marshal with the USMS, and I have been involved with the investigation of "Samuel A. Muniz" who is the subject of the Warrant issued in the Eastern District of North Carolina. Because this Affidavit is being submitted for the limited purpose of establishing the identity of the defendant, I have not included in this Affidavit each and every fact that I have learned relating to SAMUEL A. MUNIZ, the defendant. Where I report statements made by others, those statements are described in substance and in part, unless otherwise noted.

2. I have with spoken with another Deputy Marshal ("Deputy Marshal 1") and based on my conversation with Deputy Marshal 1, I have learned the following:

a) On or about April 22, 2019, "Samuel A. Muniz," was arrested in the Eastern District of North Carolina, based on the charges set forth in the Criminal Information attached hereto. At the time of his arrest, a booking photograph was taken of "Samuel A. Muniz," and pedigree information obtained.

b) On or about July 19, 2019, Deputy Marshal 1 sent a copy of the May 1, 2019 Warrant for "Samuel A. Muniz," along with the booking photograph for "Samuel A. Muniz," to officers of the City of Port Jervis Police Department ("PJPD").

c) On or about July 30, 2019, SAMUEL A. MUNIZ, the defendant, was arrested by PJPD officers, based on their knowledge of the outstanding Warrant for "Samuel A. Muniz."

d) The PJPD officers were able to identify SAMUEL A. MUNIZ, the defendant, as the "Samuel A. Muniz," from the May 1, 2019 Warrant based on a comparison of the booking photograph for "Samuel A. Muniz" taken on or about April 22, 2019. In addition, at the time of his arrest, SAMUEL A. MUNIZ had a New York State photo identification card in the name of "Samuel Alex Muniz."

3. Today, July 31, 2019, SAMUEL A. MUNIZ, the defendant, was taken into the custody of the United States Marshals. At the time MUNIZ arrived at the United States District Courthouse at 300 Quarropas Street, I asked him his name, and he responded, "Samuel Muniz." I also asked him to confirm his date of birth and social security number, which match the pedigree information that was taken for "Samuel A. Muniz" on or about April 22, 2019.

4. I have visually compared SAMUEL A. MUNIZ, the defendant, with the booking photograph of the "Samuel A. Muniz," who is wanted in the Eastern District of North Carolina and they appear to be the same individual.

WHEREFORE, deponent prays that SAMUEL A. MUNIZ, the defendant, be bailed or imprisoned, as the case may be.

  
IVAN SANTOS  
Deputy Marshal  
United States Marshals Service

Sworn to before me this  
31st day of July, 2019

  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK

FILED

APR 30 2019

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

PETER A. MOORE, JR., CLERK  
US DISTRICT COURT, EDNC  
BY UPB DEP CLK

CASE NO: 5:19-MJ-1491

UNITED STATES OF AMERICA )

V. )

SAMUEL A. MUNIZ ) )

CRIMINAL INFORMATION

Defendant:

The United States Attorney charges:

COUNT ONE

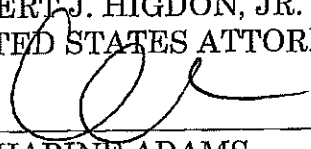
THAT, on or about April 22, 2019, on the Fort Bragg Military Reservation, an area within the special maritime and territorial jurisdiction of the United States, and within the Eastern District of North Carolina, SAMUEL A. MUNIZ, did operate a motor vehicle upon a street, highway, or public vehicular area while under the influence of an impairing substance and/or after having consumed sufficient alcohol that he/she had, at a relevant time after driving, a blood alcohol concentration of 0.08% or more, in violation of Title 18, United States Code, Section 13, assimilating North Carolina General Statute 20-138.1.

COUNT TWO

THAT, on or about April 22, 2019, on the Fort Bragg Military Reservation, an area within the special maritime and territorial jurisdiction of the United States,

and within the Eastern District of North Carolina, SAMUEL A. MUNIZ, did operate a motor vehicle upon a street, highway, or public vehicular area while transporting an open container of an alcoholic beverage after he had consumed alcohol, in violation of Title 18, United States Code, Section 13, assimilating North Carolina General Statute 20-138.7.

ROBERT J. HIGDON, JR.  
UNITED STATES ATTORNEY

BY:   
KATHARINE ADAMS  
Special Assistant United States Attorney  
XVIII Airborne Corps & Ft Bragg  
Fort Bragg, NC 28307-5000  
(910) 396-1221/1222

## UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

United States of America )

v. )

SAMUEL A. MUNIZ )

Defendant )

Case No. 5:19-MJ-1491-RN

## ARREST WARRANT

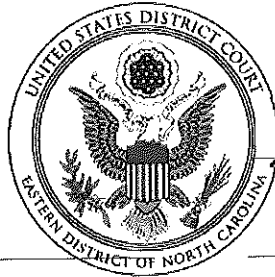
To: Any authorized law enforcement officer

**YOU ARE COMMANDED** to arrest and bring before a United States magistrate judge without unnecessary delay  
 (name of person to be arrested) SAMUEL A. MUNIZ,  
 who is accused of an offense or violation based on the following document filed with the court:

- ☐ Indictment      ☐ Superseding Indictment      ☐ Information      ☐ Superseding Information      ☐ Complaint  
☐ Probation Violation Petition      ☐ Supervised Release Violation Petition      ☐ Violation Notice      ☒ Order of the Court

This offense is briefly described as follows:

FAILURE TO APPEAR FOR SCHEDULED MANDATORY INITIAL APPEARANCE ON 5/1/2019 IN FAYETTEVILLE  
 DWI - NCGS 20-138.1  
 Open Container - NCGS 20-138.7

Date: 05/01/2019

*Robert T. Numbers II*  
 Issuing officer's signature

City and state: FAYETTEVILLE, NC

ROBERT T. NUMBERS, II, US MAGISTRATE JUDGE  
 Printed name and title

## Return

This warrant was received on (date) \_\_\_\_\_, and the person was arrested on (date) \_\_\_\_\_  
 at (city and state) \_\_\_\_\_.

Date: \_\_\_\_\_

Arresting officer's signature

Printed name and title

**This second page contains personal identifiers provided for law-enforcement use only  
and therefore should not be filed in court with the executed warrant unless under seal.**

*(Not for Public Disclosure)*

Name of defendant/offender: \_\_\_\_\_

Known aliases: \_\_\_\_\_

Last known residence: \_\_\_\_\_

Prior addresses to which defendant/offender may still have ties: \_\_\_\_\_

Last known employment: \_\_\_\_\_

Last known telephone numbers: \_\_\_\_\_

Place of birth: \_\_\_\_\_

Date of birth: \_\_\_\_\_

Social Security number: \_\_\_\_\_

Height: \_\_\_\_\_ Weight: \_\_\_\_\_

Sex: \_\_\_\_\_ Race: \_\_\_\_\_

Hair: \_\_\_\_\_ Eyes: \_\_\_\_\_

Scars, tattoos, other distinguishing marks: \_\_\_\_\_

History of violence, weapons, drug use: \_\_\_\_\_

Known family, friends, and other associates (*name, relation, address, phone number*): \_\_\_\_\_

FBI number: \_\_\_\_\_

Complete description of auto: \_\_\_\_\_

Investigative agency and address: \_\_\_\_\_

Name and telephone numbers (office and cell) of pretrial services or probation officer (*if applicable*): \_\_\_\_\_

Date of last contact with pretrial services or probation officer (*if applicable*): \_\_\_\_\_